

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Heidi Lopez de Diego, et al. **Group Art Unit:** 1624
Application No.: 10/568,572 **Examiner:** Bernhardt, Emily B.
Filed: August 14, 2006
For: SUCCINATE AND MALONATE SALT OF TRANS-4-((1R,3S)-6-
CHLORO-3-PHENYLINDAN-1-YL)-1,2,2-TRIMETHYLPIPERAZINE
AND THE USE AS A MEDICAMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 16, 2010

AMENDMENT ACCOMPANYING A
REQUEST FOR CONTINUED EXAMINATION UNDER 37 CFR 1.114

Dear Sir:

This Amendment constitutes the required submission under 37 C.F.R. §1.114 for the Request for Continued Examination (RCE) submitted herewith in connection with the above-identified application.

A Notice of Appeal was filed on July 16, 2009. An Appeal Brief was due September 13, 2010, but has not been filed. A petition for a 5-months extension of time and the required fee are submitted herewith, to extend to period to reply to file the Appeal Brief to February 16, 2010.

Pursuant to 37 C.F.R. §1.114, the filing of the accompanying RCE is a request to withdraw the appeal and re-open prosecution of the application, and with the extension of time, this request is timely made.

Reconsideration of the application is requested in view of the following:

Amendment to the Specification begins on page 2;

Amendments to the Claims begin on page 3;

Remarks begin on page 7; and a

Replacement Abstract follows the last page of this paper.